REMARKS

The various matters noted on pages 3-5 of the Office Action have been rendered moot above. The amendment to claim 28 is supported at page 13, lines 21-23. Applicants have decided to cancel Table 1 from the application since this application now is claiming only subject matter related to the specific antibody L-19. Table 1 simply restated sequence information with respect to L-19 which is contained elsewhere in the application. See, e.g., original claim 10, Figure 6, etc. Specification references to this table have been deleted and others have been modified accordingly. The other specification changes relate to obvious typographical errors and/or correcting inconsistencies in sequence position numbering as is clear from a comparison of the text being corrected with, e.g., the sequence of Figure 6.

The examiner is also handling related application serial number 10/321,558. In that application, the antibody L-19 has been found allowable over the prior art. The claims of this application are now drawn to subject matter based on the very same antibody, L-19. Accordingly, it is clear that, for the same reasons as the examiner found the antibody patentable in the grandparent prosecution of 10/321,558, the here claimed subject matter is similarly patentable over the prior art. Thus, all of the current prior art rejections are rendered moot and no discussion is necessary. Suffice it to say none of the cited prior art disclosed or rendered obvious L-19.

The specification has also been amended to refer to the ATCC deposit of the antibody L-19. Claims referring to this deposit with respect to various sequence portions of L-19 are also being added to this application with analogy to related claims in the grandparent application, 10/321,558.

The VL domain is now recited in terms of the amino acid sequence of the biological deposit made for the antibody L-19 discussed on original page 13 of the application and whose preparation is described in the Examples.

This manner of describing the VL domain sequence has been specifically sanctioned by the Federal Circuit in *Enzo Biochem, Inc. v. Gen-Probe, Inc.*, 296 F.3d 1316 (Fed. Cir. 2002). As for the biological deposit, the examiner is referred to the amendment made on page 13 of the

application to insert the name of the depository and the accession number. This deposit is being made under M.P.E.P. § 2406 and In re Lundak, 773 F.2d 1216 (Fed. Cir. 1985), as is the insertion of the statement on page 13. See, e.g., M.P.E.P. § 2406.01. The necessary statement under 37 C.F.R. § 1.804(b) is also being submitted. M.P.E.P. § 2406.02.

This available option is being taken because of errors existing in the sequence recited in original claim 10, i.e., in the second line of the VL domain, SSYLA . . . should be SSFLA . . . and the "TG" in the linker sequence should be omitted.

With respect to claim 45, in grandparent prosecution, the examiner had objected to an analogous claim for lack of recitation of a VL domain. This comment does not apply to claim 45 which does recite linkage to a VL domain.

Also in grandparent prosecution, the examiner has alleged that the Neri declaration supporting the deposit does not cover the linker part of the antibody. However, this is not accurate because the term "L-19" encompasses the VH domain, the VL domain and the linker portion of the specific antibody having the designation, L-19. Note the legend for Figure 6 which provides the sequence of L-19. It refers to "amino acid sequence of antibody L-19." The sequence referred to is explicitly designated in the Figure as having three portions: VH, Linker and VL. The designation, L-19, in fact does refer to all three portions of the antibody, VH, Linker and VL. Thus, Dr. Neri's declaration in referring to "L-19" uses this highly conventional meaning and, thus, does clearly refer to all three sequence portions of the antibody. Applicants are aware of no inconsistent usage of the L-19 terminology in this application. Thus, this objection/rejection is inapplicable.

Similarly, in the grandparent application, the examiner notes that the specific linker given in Figure 6 incorrectly contains two additional amino acids, TG. These two amino acids are not present in the actual antibody L-19. However, it is the latter actual antibody which has been deposited. Thus, the deposit contains the correct linker sequence which lacks the incorrectly noted TG of Figure 6. The support for the correct linker sequence of L-19 is contained in the deposit which is being made in full accordance with PTO procedures. Consequently, the error in the sequence inadvertently made in Figure 6, does not establish a basis for rejection under 35 U.S.C. § 112.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

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